

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3732 OF 2003

IN
SUIT NO.7026 OF 1999

Pravin Ratilal Gaglani ... Plaintiff

V/s.

Investor's Estate & Finance
Private Ltd. & Ors. ... Defendants

Mr.A.Redis for Plaintiff
Mr.Snehal Shah with Mr.N. Ramchandra for Defendant
Nos.5, 5A,5B, 5G, 5H, 5I, 5J, 5L, 5M, 5O, 5P

CORAM: SMT.NISHITA MHATRE, J.

DATED: JULY 6, 2006

P.C.:

. The present Motion has been taken out for certain reliefs including that the Plaintiff should not be dispossessed of the suit premises without due process of law. It appears that the Plaintiff has now been dispossessed of the suit premises by MHADA under the provisions of section 95A of the MHADA Act. Therefore, the prayers in this Motion do not survive. It is the Plaintiff's contention that he should be allotted the premises in the new building in lieu of Flat NO.16 and Garage No.2 situated in Sathe Building at 223, Sir Bhalchandra Road, Matunga, Bombay - 400 019.

2. In my view, such prayers cannot be granted in the present Motion. On realising this, the Advocate for the Plaintiff seeks to withdraw the Motion with liberty to file a fresh Motion by taking appropriate steps.

3. Motion allowed to be withdrawn and dismissed as

such with liberty as prayed for.